IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION PETITION NO. 99 OF 2007

Ark Shipping Co. Ltd.
having its office at
8th Floor, Hanyoung Building,
57-9, Sesomun-Dong,
Chung-Gu, Seoul,
Korea. ... Petitioners.

V/s.

GRT Shipmanagement Pvt. Ltd.
having its office at
606/7, 6th Floor, B-Wing,
Sagar Technic Park,
Andheri-Kurla Link Road,
Mumbai-400 073. ... Respondents.

Mr. Vishal Seth i/by Mr.R.A. Fernandes for the petitioners.

Mr.Kamal Khata with Ms. Kaniz Munji i/by M/s. Motiwala and Co. for the respondents.

CORAM : ANOOP V. MOHTA,J.

DATED : 26th July, 2007.

JUDGMENT:-

The petitioners has invoked Section 9 of the Arbitration and Conciliation Act-1996 (Arbitration Act-1996) and prayed that pending the decision of Arbitration Petition No. 25 of 2007 under Sections 45 to 49 to Arbitration Act 1996, for enforcement of the Foreign Award, in view of Apex Court decision, this

Court is empowered to pass order of directing the respondent company to deposit and or furnish an amount of foreign award dated 9th October, 2006 and further order of injunct the respondents from disposing of, alienating, encumbering parting with possession and or creating any third party rights in respect of its assets, both movable and immovable wheresoever such assets located in the World.

2. The learned counsel appearing for the respondents resisted the same.

3. In view of the fact that the petition No.25 of 2007 for enforcement of foreign award dated 9th October, 2007 has been allowed, and it has been declared that such foreign award is enforceable as a decree in this Court. I am not inclined to grant any relief on the basis of pleadings made prior to the decision of petition for enforcement of the award. The circumstances are changed substantially.

4. Resultantly, the present petition is disposed off, with liberty.

5. No costs.

[ANOOP V. MOHTA, J.]